

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KELVIN LANEIL JAMES,

Plaintiff,

v.

ELY STATE PRISON'S AWO T. COOKE,

Defendant.

Case No.: 2:24-cv-00889-JAD-BNW

**ORDER**

(ECF No. 1)

On May 10, 2024, pro se plaintiff Kelvin James, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). The application to proceed *in forma pauperis* is deficient because it is not completed, and Plaintiff did not use the Court's approved form application.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1) is denied without prejudice.

1 It is further ordered that Plaintiff has **until July 19, 2024**, to either pay the full \$405 filing  
2 fee or file a new fully complete application to proceed *in forma pauperis* with all three required  
3 documents: (1) a completed application with the inmate's two signatures on page 3, (2) a  
4 completed financial certificate that is signed both by the inmate and the prison or jail official, and  
5 (3) a copy of the inmate's trust fund account statement for the previous six-month period.

6 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
7 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to  
8 refile the case with the Court, under a new case number, when Plaintiff can file a complete  
9 application to proceed *in forma pauperis* or pay the required filing fee.

10 The Clerk of the Court is directed to send Plaintiff Kelvin James the approved form  
11 application to proceed *in forma pauperis* for an inmate and instructions for the same, and to retain  
12 the complaint (ECF No. 1-1) but not file it at this time.

13 IT IS SO ORDERED.

14 DATED THIS 21 day of May 2024.

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16 UNITED STATES MAGISTRATE JUDGE  
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